

U.S. DISTRICT COURT &  
CLERK OF DISTRICT COURT

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PAUL C. TOLLESON, CLERK  
Clerk of District Court

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Attorneys for Defendant Leasecomm Corporation

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO

CHUCK WEDDE, dba POCA TELLO CAB  
COMPANY

Plaintiff,

v.

LEASECOMM CORPORATION and  
LOGANBERRY MERCHANT SERVICE,

Defendant.

)  
)  
) Case No. 03-505-E-BLW  
)  
) **DEFENDANT LEASECOMM'S**  
) **LITIGATION PLAN**  
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Defendant Leasecomm Corporation, by and through its counsel, hereby submit this  
Litigation Plan for consideration by the Court and in anticipation of the telephonic Scheduling  
Conference set for **January 30, 2004, at 8:00 a.m.** (Docket nos. 3, 5.)

Named Defendant Loganberry Merchant Service has not been served nor appeared in this  
action.

Pursuant to Federal Rule of Civil Procedure 26(f) and Local Civil Rule 16.1, the Parties  
have conferred and were unable to agree on a joint litigation plan for the case. Defendant  
Leasecomm would therefore propose the following litigation plan:

**DEFENDANT LEASECOMM'S LITIGATION PLAN - 1**

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**ORIGINAL**

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1. **CASE MANAGEMENT TRACK:**

**Expedited Track.**

2. **DISPOSITIVE MOTIONS FILING CUT-OFF DATE:**

The Defendant requests a date of **May 31, 2004.**

3. **JOINDER OF PARTIES & AMENDMENT OF PLEADINGS CUT-OFF DATE:**

The Defendant requests a date of **February 27, 2004.**

4. **ADR PLAN TO BE FILED WITH ADR COORDINATOR:**

The Defendant requests a date of **February 27, 2004.** With regard to the form of ADR to be utilized, at this time Defendant anticipates selecting mediation or a judicially-supervised settlement conference.

5. **DISCOVERY PLAN PROPOSED. Fed.R.Civ.P. 26(f):**

a. **Pre-Discovery Initial Disclosures Under Local Rule 26.2(a):**

The Defendant does not have any changes to the form of disclosures required under Fed.R.Civ.P. 26(a)(1). Defendant proposes the parties exchange the information and make the disclosures as described in Rule 26(a)(1)(A) through 26(a)(1)(D) by **February 11, 2004.**

b. **Discovery Plan.**

A description of the anticipated discovery efforts under Rules 30, 33, 34 and 36 of the Federal Rules of Civil Procedure is set forth below. The description of each discovery effort is listed under the appropriate heading below and includes the subject matter of the discovery and the time during which the discovery may be pursued.

- (1) **Oral Depositions:** The parties may schedule and provide notice of depositions in this case **for completion between January 23, 2004 and the discovery cut-off date.** All scheduling of depositions will be done through counsel of record, at the convenience of the parties and the deponents, and in accordance with Local Rule 30.1 and Fed.R.Civ.P. 30. Local Rule 30.1 provides that, according to Fed.R.Civ.P. 30, "there is a presumption that no more than ten (10) depositions per party will be taken by the parties." This presumptive limit on the number of depositions shall apply to depositions taken after January 23, 2004,

and any request by either party to exceed this limit must be presented by motion. Local Rule 30.1, following Fed.R.Civ.P. 30(d)(2), further provides that “[e]ach deposition is limited to one (1) day of seven (7) hours unless otherwise stipulated between the parties or authorized by the court.” This limit on the length of each deposition shall apply to any deposition taken after January 23, 2004, and any request by either party to exceed this limit must be made by motion or stipulation.

- (2) Written Interrogatories: The Parties may serve interrogatories under Fed.R.Civ.P. 33 at any time **on or before thirty (30) days prior to the discovery cut-off date** (assuming compliance with Fed.R.Civ.P. 6(e)). The Parties may not serve such discovery until their respective pre-discovery Initial Disclosures are made. Local Rule 33.1 provides: “No party may serve upon any other single party to an action more than twenty-five (25) interrogatories, including subparts, (which will be counted as separate interrogatories), without first obtaining a stipulation of such party to additional interrogatories or, in the event the parties are unable to agree, obtaining an order of the court upon showing of good cause granting leave to serve a specific number of additional interrogatories.” This limitation on interrogatories shall apply to any of the Parties’ written discovery served after their Initial Disclosures, and any request by either party to exceed this limit must be made by motion or stipulation.
- (3) Requests for Production: The Parties may serve requests for production under Fed.R.Civ.P. 34 at any time **on or before thirty (30) days prior to the discovery cut-off date** (assuming compliance with Fed.R.Civ.P. 6(e)). The Parties may not serve such discovery until their respective pre-discovery Initial Disclosures are made.
- (4) Requests for Admission: The Parties may serve requests for admission **on or before thirty (30) days prior to the discovery cut-off date** (assuming compliance with Fed.R.Civ.P. 6(e)). The Parties may not serve such discovery until their respective pre-discovery Initial Disclosures are made.

6. **DISCOVERY CUT-OFF DATE:**

- a. The Defendant requests a fact discovery cut-off date of **April 30, 2004**.
- b. The Defendant requests an expert discovery cut-off date of **June 9, 2004**.

7. **EXPERT TESTIMONY DISCLOSURES. Local Rule 26.2(b):**

- a. Plaintiff identify and disclose expert witnesses, in conformance with Fed.R.Civ.P. 26(a)(2)(B) (as modified by Local Rule 26.2(b)), by **March 31, 2004**.
- b. Defendant identify and disclose expert witnesses, in conformance with Fed.R.Civ.P. 26(a)(2)(B) (as modified by Local Rule 26.2(b)), by **April 30, 2004**.
- c. Either party shall disclose rebuttal expert witnesses, in conformance with Fed.R.Civ.P. 26(a)(2)(B) (as modified by Local Rule 26.2(b)), by **May 19, 2004**.

8. **TRIAL DATE:**

The date of the trial and pretrial conference will be scheduled at a trial scheduling conference following the resolution of dispositive motions and the conclusion of court-supervised ADR.

9. **ESTIMATED LENGTH OF TRIAL:**

The Defendant asserts that this is a typical civil case, and that a trial estimate of **2-3 days** be set. A jury has been demanded by Plaintiff.

DATED this 23<sup>rd</sup> day of January, 2004.

STOEL RIVES LLP

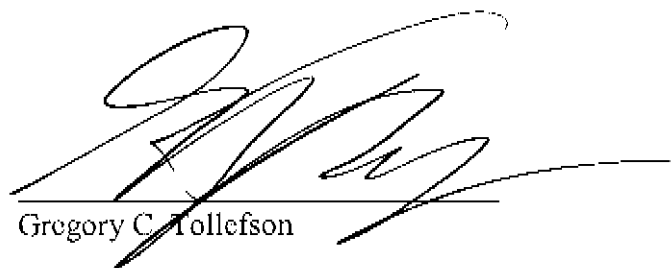
By: 

Gregory C. Tollefson  
Attorneys for Defendant Leasecomm

CERTIFICATE OF SERVICE

I hereby certify that on this 23<sup>rd</sup> day of January, 2004, a true and correct copy of the foregoing **DEFENDANT LEASECOMM'S LITIGATION PLAN** was served on the following individual by U.S. Mail:

Curtis N. Holmes  
Attorney at Law  
845 W. Center, Suite C-11  
Pocatello, Idaho 83204



Gregory C. Tollefson